

IT IS SO ORDERED.

Dated: 11:53 AM September 22 2009



Marilyn Shea-Stonum
MARILYN SHEA-STONUM **MVK**
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:

LORRAINE IVA CADLE

Debtor

IN PROCEEDINGS UNDER CHAPTER 13

CASE NO: 08-54765

JUDGE: MARILYN SHEA-STONUM

AGREED ORDER FOR RELIEF FROM STAY
(9710 Yale Road, Deerfield, OH 44411)

This matter came to be considered on the Motion for Relief from Stay (the "Motion") filed by U.S. Bank N.A., its Successors and/or Assigns ("Movant") and Response on said Motion filed by Lorraine Iva Cadle ("Debtor").

Movant has alleged that good cause exists for granting the Motion and that Debtor, counsel for Debtor, the Chapter 13 Trustee, and all other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and

The parties have entered into an agreement resolving the Motion.

IT IS, THEREFORE, ORDERED:

1. The Debtor shall cure her post-petition mortgage arrearage of \$2,089.08, which consists of missed mortgage payments in the monthly amount of \$502.15 and late charges in the monthly amount of \$20.09, accrued from May 2009 through August 2009. The Debtor is willing to cure said arrearage by Movant applying \$31.40 to the loan, which is currently in the Debtor's suspense account. Also, by Movant accepting and applying check #1007 in the amount of \$1,010.00, check #1008 in the amount of \$505.00, and check #50558929 in the amount of \$555.00 to the loan. Movant is hereby granted leave to file a Supplemental Proof of Claim in the amount of \$575.00 for \$425.00 attorney fees and \$150.00 court costs incurred with the filing of the Motion for Relief from Stay. The Debtor shall maintain her regular monthly payments to Movant outside the Chapter 13 plan beginning with a payment due on September 1, 2009. Failure by the Debtor to make any payment within 30 days of the date due shall constitute a default.

2. Upon existence of a default, Movant's counsel may send counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.

3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) of the Bankruptcy Code with respect to Movant, its successors and assigns.

###

SUBMITTED AND APPROVED BY:

/s/ Christian E. Niklas Esq.

Christian E. Niklas Esq. (0066725)
Shapiro, Van Ess, Phillips & Barragate, LLP
Attorney for Creditor
4805 Montgomery Road
Suite 320
Norwood, Ohio 45212
(216) 373-3119-ph
(847) 627-8805 fax
Email: cniiklas@logs.com

/s/ Robert Ciotola

Robert Ciotola (0012487)
4590 Boardman Canfield Road
Canfield, OH 44406
(330) 533-8885-ph
(330) 533-9820-fax
Attorney for Debtor

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 0084477
One Cascade Plaza, Suite 2020
Akron, OH 44308
Tel 330.762.6335
Fax 330.762.7072
krucinski@ch13akron.com
jferris@ch13akron.com

CERTIFICATE OF MAILING

Served by Regular U.S. Mail

Lorraine Iva Cadle
9710 Yale Road
Deerfield, OH 44411
Debtor

Duane Cadle
9710 Yale Road
Deerfield, OH 44411
Party in Interest

Office of the U.S. Trustee
Howard M. Metzenbaum U.S. Courthouse
201 Superior Ave., East – Ste. 441
Cleveland, OH 44114

Electronic Mail Notice List

The following is a list of parties who are currently on the list to receive e-mail notice/service for this case:

Keith Rucinski
efilings@ch13akron.com
Chapter 13 Trustee

Robert Ciotola
rac@raciotola.com
Attorney for Debtor

Christian E. Niklas, Esq.
cniklas@logs.com
Attorney for Movant

09-001089; mn; August 28, 2009